

MEMORANDUM

TO: Waste Operations Staff
Regional Waste Compliance Managers

FROM: Hassan Vakili, Director
Waste Operations

DATE: July 5, 1995

COPY: Bob Burnley

SUBJECT: Department Policy on Investigation Derived Waste (IDW)

Attached is a copy of the "Policy for the Handling of Investigation Derived Waste (IDW)" that has recently been finalized. Please ensure that all appropriate staff receive copies of this policy which will hopefully serve to address the questions that have been raised regarding the proper management of these types of wastes.

If you should have any questions regarding this matter or require further clarification, please contact Ulysses Brown at (804) 527-5148.

Department of Environmental Quality
Waste Operations
Policy for the Handling of
Investigation Derived Waste (IDW)

The Department of Environmental Quality (DEQ), Waste Operations has received a request for guidance from the regulated community concerning the Commonwealth of Virginia's requirements regarding the management and disposal of investigation derived waste (IDW). Because Virginia administers an authorized state RCRA program, the Virginia Solid Waste Management Regulations (VSWMR) and the Virginia Hazardous Waste Management Regulations (VHWMR) will serve as the governing requirements in lieu of Federal RCRA regulations contained in the Code of Federal Regulations (40 CFR 260 - 270) except for the Land Disposal Restrictions of 40 CFR 268. For reference, please see the Virginia Waste Management Act, Code of Virginia §10.1-1400 et seq.; the Virginia Hazardous Waste Management Regulations (VHWMR) (9 VAC 20-60-10 et seq.); the Virginia Solid Waste Management Regulations (VSWMR) (9 VAC 20-80-10 et seq.); Federal: the Resource Conservation and Recovery Act (RCRA), 42 USC 6901; and the U. S. Department of Transportation Rules for the Transportation of Hazardous Materials, 49 CFR Part 107, 171.1 - 172.558.

With regard to IDW, it is the site manager's responsibility to determine whether the wastes generated during an investigation meet the definition of a solid or hazardous waste. The site manager will be either the on-scene coordinator (i.e., either the federal official predesignated by the Environmental Protection Agency (EPA) or the U.S. Coast Guard to coordinate and direct federal responses under subpart D or the official designated by the lead agency to coordinate and direct removal actions under subpart E of the National Contingency Plan (NCP)), or the remedial project manager (i.e., the official designated by the lead agency to coordinate, monitor, or direct remedial or other response actions under subpart E of the NCP).

If there is a possibility that either the ground water or the soil at the location where a monitoring well is installed is contaminated, the site manager must determine whether or not the well cuttings, purge water, and/or other IDW are contaminated (i.e., whether they are solid or hazardous wastes). In these cases, the site manager may use knowledge of the contaminated media to declare that the IDW is solid or hazardous waste. If analysis shows that no contamination is present in the soil or the ground water at the location where the monitoring well is installed, neither the well cuttings, nor the purge water would be regulated as a solid waste. An example of a situation where the site manager might use knowledge to determine proper disposition (i.e., testing would not be required) would involve materials generated at locations where wells are installed for the purpose of ascertaining naturally occurring levels of inorganic

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constituents and there is no basis to expect contamination, i.e., there is no past history of hazardous waste management activities or releases in these areas. If this is the case, the soils, cuttings, purge water, etc. would not be regulated as solid wastes. Test results or knowledge of the waste should be used to screen the well cuttings, purge water and other IDW to demonstrate that concentrations of contaminants are below or equal to background levels.

Purge water, well cuttings from monitoring wells, and other IDW, if tested, must be done so in accordance with EPA SW-846, Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, 3rd edition, 1986, as updated. If contaminant levels are found to be above background levels, the IDW would be considered a solid waste. Should test results further indicate that the IDW contains a listed hazardous waste, or if the IDW exhibits a characteristic of hazardous waste, the IDW is a hazardous waste and must be managed and disposed in accordance with the VHWMR. Alternatively, contaminated IDW that contains a listed hazardous waste must be managed as a hazardous waste until it no longer "contains" the hazardous waste, i.e., until the constituent levels are below site specific risk based levels. This is consistent with EPA's Contained In Policy. The DEQ should be contacted directly to determine the site specific risk based levels that would apply to IDW that contains listed hazardous waste.

If the IDW is not a hazardous waste, but contains levels of contaminants above background levels, the IDW must be managed in accordance with the VSWMR. Solid waste generated from cleanup or investigation activities is considered a special waste under Part VIII of the VSWMR. Prior to acceptance of a special waste for disposal at a solid waste management facility, the operator must obtain prior authorization from the Department. Purge water, on the other hand, must be disposed at a publicly owned treatment works (POTW) or other wastewater treatment system operating in accordance with its Virginia Pollutant Discharge Elimination System (VPDES) permit, provided that all other pertinent criteria are satisfied.

The on-site treatment, storage, or disposal of IDW must be authorized by a permit from the DEQ. A generator of hazardous IDW may accumulate such wastes in tanks or containers in accordance with 40 CFR 262.34. Treatment of hazardous waste in tanks or containers within the 90 day accumulation period may only occur upon prior written approval from the appropriate DEQ Regional Office.

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This policy may be revised or rescinded at any time as Federal and/or State regulations change.

Signed:

[signed]

Hassan Vakili, Director
Waste Operations

6-28-95
References Revised 09-2003

Date